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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Brian Leyland-Jones

Application No.:

JUN 21 2002

10/087,996

Group:

1614

Filed:

February 28, 2002

For:

USE OF METABOLIC PHENOTYPING IN INDIVIDUALIZED
TREATMENT WITH AMONAFIDE

<p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202</p> <p>on <u>6/17/02</u> <u>Christina McSweeney</u> Date Signature</p> <p><u>Christina McSweeney</u> Typed or printed name of person signing certificate</p>

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

In reply to the Notice to File Missing Parts dated April 15, 2002, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

☒ **EXECUTED DECLARATION FOR PATENT APPLICATION**

(Separate transmittal letter and postcard not required)

☐ **POWER OF ATTORNEY DOCUMENT**

☐ **GRANTED BY INVENTOR(S)**

☐ **GRANTED BY ASSIGNEE, including Statement under 37 C.F.R. 3.73(b)**

(Separate transmittal letter and postcard not required)

☐ **PRELIMINARY AMENDMENT**

(Separate transmittal letter and postcard not required)

☒ **FILING FEE - with Fee Transmittal for Patent Applications in duplicate**

Fee calculations based on:

☒ Claims as originally filed

☐ Claims upon entry of the Preliminary Amendment filed herewith

(Separate transmittal letter and postcard not required)

☒ **SURCHARGE - surcharge fee of \$130.00**

(Separate transmittal letter and postcard not required)

☒ **SEQUENCE LISTING** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

☐ **SUBSTITUTE DRAWINGS**

☐ Sheets of substitute drawings consisting of Figs. 1 - ☐ are enclosed

(Separate transmittal letter and postcard not required)

☐ **PETITION FOR EXTENSION OF TIME**

☐ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated ☐ for ☐ month from ☐ to ☐.

The appropriate fee of \$☐ is included in the enclosed check

☐ A ☐ month extension of time to respond to the Notice to File Missing Parts dated ☐ was filed on ☐ with payment of a \$☐ fee

☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$☐ is included in the enclosed check

(Separate Petition for Extension of Time and postcard not required)

☒ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

☒ **TWO STATEMENTS CLAIMING SMALL ENTITY STATUS**

☐ Was filed on ☐

☒ Are enclosed herewith

(Separate transmittal letter and postcard not required)

☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$☐ which were paid on ☐ to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$1322. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Deirdre E. Sanders

Deirdre E. Sanders

Registration No.: 42,122

Tel.: (978) 341-0036

Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date: June 17, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant:

Brian Leyland-Jones

Application No.:

10/087,996

Group: 1614

Filed:

February 28, 2002

For:

USE OF METABOLIC PHENOTYPING IN INDIVIDUALIZED
TREATMENT WITH AMONAFIDE

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on <u>6/17/02</u>	<u>Christina McSweeney</u>
Date	Signature
<u>Christina McSweeney</u>	
Typed or printed name of person signing certificate	

REQUEST FOR CORRECTED FILING RECEIPT
FOR UTILITY APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

We hereby request that the following items of information be corrected in the Filing Receipt mailed from the U.S. Patent Office on April 15, 2002.

The errors and corrections appear below.

The total number of claims in this application is 88, not 87, as is printed on the Filing Receipt.

Enclosed are a copy of the Filing Receipt with changes noted in red, and a copy of the Declaration for Patent Application.

Pursuant to instructions in the February 29, 2000 O.G., we hereby request that the errors which are identified above be corrected in the captioned application to which this request for correction is directed. It is understood that the Patent Office will issue an automatically-generated, corrected Filing Receipt in this and, if applicable, any other affected applications.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Deirdre E. Sanders

Deirdre E. Sanders

Registration No.: 42,122

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: June 11, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/087,996	02/28/2002	1614	0.00	3298.1003-000	29	87 88	8

CONFIRMATION NO. 2676

021005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

FILING RECEIPT



OC000000007864611

Date Mailed: 04/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Brian Leyland-Jones, Residence Not Provided;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/271,714 02/28/2001

Foreign Applications

If Required, Foreign Filing License Granted 04/12/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

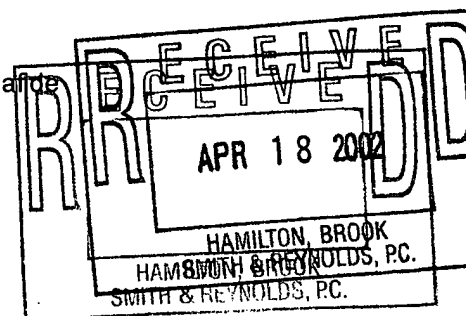
Early Publication Request: No

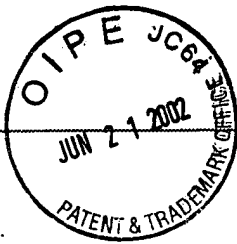
Title

Use of metabolic phenotyping in individualized treatment with amonafide

Preliminary Class

514





**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/087,996	02/28/2002	Brian Leyland-Jones	3298.1003-000

CONFIRMATION NO. 2676

021005

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

FORMALITIES LETTER



OC000000007864612

Date Mailed: 04/15/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/28/2002 MBIZUNES 00000066 10087996

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:205	65.00 OP
03 FC:203	612.00 OP
04 FC:202	210.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1626.
 - \$1206 for 67 total claims over 20.
 - \$420 for 5 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2496.

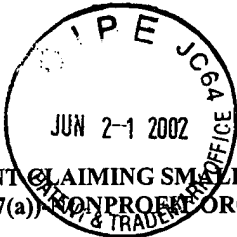
A copy of this notice **MUST** be returned with the response

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/28/2002 MBIZUNES 00000066 10087996
01 FC:201 370.00 OP
02 FC:205 65.00 OP
03 FC:203 612.00 OP
04 FC:202 210.00 OP

Repln. Ref: 06/28/2002 MBIZUNES 0020134200
DA#: 080380 Name/Number: 10087996 \$65.00 CR
FC: 704



STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27(a)) NONPROFIT ORGANIZATION

DOCKET NUMBER: 3298.1003-000

Applicant or Patentee: Brian Leyland-Jones
Application or Patent No.: 10/087,996
Filed or Issued: February 28, 2002
Title: USE OF METABOLIC PHENOTYPING IN INDIVIDUALIZED TREATMENT WITH AMONAFIDE

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION McGill University
ADDRESS OF NONPROFIT ORGANIZATION 845 Sherbrooke Street West
Montreal, Quebec H3A 2T5, Canada

TYPE OF NONPROFIT ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF
LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

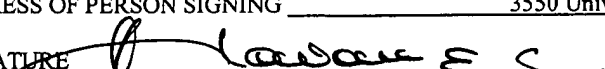
I hereby state that the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

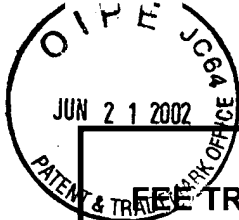
Each person, concern, or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.
☒ each such person, concern, or organization is listed below.

Xanthus Life Sciences Inc.
225 Avenue President Kennedy, Suite PK-5660
Montreal, Quebec City H2X 3Y8, Canada

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING Alex Navarre, Ph.D., MBA
TITLE IN ORGANIZATION OF PERSON SIGNING Director, Office of Technology Transfer
ADDRESS OF PERSON SIGNING 3550 University Street, Montreal, Quebec, H3A 2A7, Canada
SIGNATURE  DATE 2/05/2002



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

FREE TRANSMITTAL FOR PATENT APPLICATIONS

Attorney Docket Number	3298.1003-000
Application Number	10/087,996
First Named Inventor	Brian Leyland-Jones

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	88 - 20* =	68	x \$ 18 =	\$ 1224
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	8 - 3** =	5	x \$ 84 =	\$ 420
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
				Total of above Calculations =	\$ 2384
				Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =	\$ 1192
				TOTAL =	\$ 1192
				Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =	\$ 130
				Petition for Extension of Time Fee (37 C.F.R. 1.17) =	\$
				Assignment Recordation Fee = (only when filed with application)	\$
				TOTAL =	\$ 1322

* Reissue claims in excess of 20 and over original patent
** Reissue independent claims over original patent

1. Small entity status:

- a. ☒ Two small entity statements are enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$1322. ☐ Please charge \$[] to Deposit Account No. 08-0380.

4. ☐ Other: _____

Signature	<i>Deirdre E. Sanders</i>	Date	<i>June 13, 2002</i>
Submitted by Typed or Printed Name	Deirdre E. Sanders	Reg. Number	42,122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian Leyland-Jones

Serial No.: 10/087,996

Group Art Unit: 1614

Filed: February 28, 2002

For: USE OF METABOLIC PHENOTYPING IN INDIVIDUALIZED
TREATMENT WITH AMONAFIDE

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Box Sequence, P.O. Box 2327, Arlington, VA, 22202	
on <u>6/17/02</u>	<u>Christina M Sweeney</u>
Date	Signature
<u>Christina M Sweeney</u>	
Typed or printed name of person signing certificate	

TRANSMITTAL OF SEQUENCE LISTING
IN REPLY TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Sir:

This paper is submitted in response to the Notice to File Missing Parts of Application, mailed from the Patent Office on April 15, 2002. A copy of the Notice is attached.

Applicant's Attorney requests an extension of time to respond to the Notice. A Petition for Extension of Time and the appropriate fees are being filed concurrently.

Transmitted herewith is a copy of the "Sequence Listing" (sheets 1/5 through

5/5) in paper form for the above-identified patent application as required by 37 C.F.R. §1.821(c) and a copy of the "Sequence Listing" in computer readable form as required by 37 C.F.R. §1.821(e). As required by 37 C.F.R. §1.821(f), Applicant's Attorney hereby states that the content of the "Sequence Listing" in paper form and the computer readable form of the "Sequence Listing" are the same and, as required by 37 C.F.R. §1.821(g), also states that the submission includes no new matter.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Deirdre E. Sanders
Deirdre E. Sanders
Registration No. 42,122
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: June 17, 2002